

ASHLEY NESBITT,  
Petitioner,  
vs.  
TONY PARKER,  
Respondent.

No. 06-2470-D/P

On July 17, 2006, Petitioner Ashley Nesbitt, Tennessee Department of Correction prisoner number 298923, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 (Docket Entry ("D.E." 1)), accompanied by motions for leave to proceed in forma pauperis (D.E. 3) and for appointment of counsel (D.E. 2). Petitioner submitted a memorandum in support of his petition on September 8, 2006. (D.E. 4.) The Court issued an order on November 17, 2006 that, inter alia, granted leave to proceed in forma pauperis, directed Nesbitt to file his petition on the current version of the official form and, in the event he wants to file a legal memorandum, to submit an amended memorandum, and directed Respondent to file the state-court record and a response to the

petition. (D.E. 5.) Petitioner filed an amended petition on November 21, 2006. (D.E. 8.) Nesbitt filed another motion for appointment of counsel on January 9, 2007. (D.E. 10.) On March 20, 2007, the Court granted the motions for appointment of counsel and directed the Clerk to appoint an attorney from the Criminal Justice Act panel to represent Petitioner. (D.E. 19.) An attorney was appointed and was allowed to withdraw without filing an amended petition. Another attorney was appointed, who filed an amended petition on March 11, 2008. (D.E. 38.)

Because of the substantial time that has elapsed since the issuance of the November 17, 2006 order, there is a substantial likelihood that Respondent has forgotten that his time to file the state-court record and a response to the petition is triggered by the filing of Petitioner's amendment petition, which occurred on March 11, 2008. It is, therefore, ORDERED, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, that Respondent file a response to the petition within twenty-three (23) days. The response shall include the complete trial and appellate record of Petitioner's original case and any subsequent state petitions for collateral relief.

IT IS SO ORDERED this 31st day of March, 2008.

s/ Bernice B. Donald  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE